

BEFORE THE DEPARTMENT OF LIVESTOCK
OF THE STATE OF MONTANA

In the matter of the amend-)	NOTICE OF PROPOSED
ment of ARM 32.3.201, 32.3.212,)	AMENDMENT
32.3.501, 32.3.502, 32.3.503,)	
32.3.505, 32.3.506, 32.3.507 and)	NO PUBLIC HEARING
32.3.508 pertaining to definitions, ad-)	CONTEMPLATED
ditional requirements for cattle, offi-)	
cial trichomoniasis testing and certifi-)	
cation requirements, reporting tricho-)	
moniasis, movement of animals from)	
test positive herds and epizootic ar-)	
reas, epidemiological investigations)	
and exposed herd notification, com-)	
mon grazing and grazing associa-)	
tions, and penalties)	

1. On, October 17, 2011, the Department of Livestock proposes to amend the above-stated rules.

2. The Department of Livestock will make reasonable accommodations for persons with disabilities who wish to participate in the rulemaking process and need an alternative accessible format of this notice. If you require an accommodation, contact the Department of Livestock no later than 5:00 p.m. on, October 3, 2011 to advise us of the nature of the accommodation that you need. Please contact Christian Mackay, 301 N. Roberts St., Room 308, P.O. Box 202001, Helena, MT 59620-2001; telephone: (406) 444-9321; TTD number: 1 (800) 253-4091; fax: (406) 444-4316; e-mail: cmackay@mt.gov.

3. The rules as proposed to be amended provide as follows, stricken matter interlined, new matter underlined:

32.3.201 DEFINITIONS (1) In this subchapter:

(a) through (h) remain the same.

(i) "Virgin heifer" means a sexually intact female cattle less than 24 months of age that is accompanied by a signed affidavit from the owner or agent as having had no potential breeding contact with sexually intact male cattle.

AUTH: 81-2-102, 81-2-103, 81-20-101, MCA

IMP: 81-2-102, 81-2-103, 81-20-101, MCA

32.3.212 ADDITIONAL REQUIREMENTS FOR CATTLE (1) remains the same.

(2) All sexually intact male cattle entering Montana must meet the Trichomoniasis testing and certification requirements set forth in ARM 32.3.502, except as provided below:

(a) through (d) remain the same.

(e) those imported on a Certificate of Veterinary Inspection for exhibition or rodeo purposes, and held in confined facilities, and destined to return to their home state within 30 days. They shall not be used for semen collection or natural breeding;

(f) those imported to a CSS (certified semen services) bull stud or its equivalent (ARM 32.3.220) providing testing is performed upon admittance;

(g) those imported as part of state veterinarian approved seasonal grazing operations without changing ownership, following a risk assessment. Sexually intact male cattle imported as part of state veterinarian approved seasonal grazing operations without changing ownership may be subject to herd specific testing and certification requirements as determined by the state veterinarian, following a risk assessment.

(3) Any Trichomoniasis test eligible bovine cattle used for sporting or exhibition purposes that breaches a fence and commingles with other bovine cattle shall be tested for Trichomoniasis. The owner of the trespassing bovine cattle shall bear all costs for the requested test on that bovine.

(4) Any Trichomoniasis test eligible bull that remains in Montana for breeding purposes, change of ownership, or grazing must adhere to the conditions in ARM 32.3.502.

(5) Animals must not have originated from a trichomoniasis positive herd.

(6) All sexually intact female cattle over 12 months of age must be either:

(i) spayed within 30 days of arrival; or

(ii) verified as a virgin by owner/agent affidavit; or

(iii) verified by an accredited veterinarian to be greater than 120 days pregnant; or

(iv) verified to be not exposed to an intact bull within the last 120 days by owner/agent affidavit; or

(v) be destined directly to slaughter or to a feedlot and then to slaughter.

(5) remains the same but is renumbered (7).

AUTH: 81-2-102, 81-2-103, 81-2-707, MCA

IMP: 81-2-102, 81-2-703, MCA

32.3.501 DEFINITIONS In this subchapter:

(1) "Acceptable specimen" means a specimen determined to be satisfactory for diagnostic testing by an approved laboratory, which was collected by a Trichomoniasis certified veterinarian and submitted with a completed and signed lab form.

(2) remains the same.

(3) "Approved laboratory" means a laboratory accredited by the American Association of Veterinary Laboratory Diagnosticians (AAVLD) or a laboratory approved by the state veterinarian to identify Trichomonas T. foetus.

(4) remains the same.

(5) "Bovine" means any sexually intact male and female animal of the genus Bos refers to all sexually intact domestic cattle.

(6) and (7) remain the same.

(8) "Complete herd T~~t~~richomoniasis test" means an official T. foetus test from each nonvirgin bull in the herd.

(9) remains the same.

(10) "Epidemiological investigation" means the scientific investigation conducted to determine the population of cattle or cattle herds bovines that may be affected with or exposed to T~~t~~richomoniasis.

(11) remains the same.

(12) "Exposed herds" means cattle herds that have, within the previous twelve months, had direct commingling commingled or had cross-fence contact with a test positive animal or a test positive herd during the time of potential breeding activity.

(13) "Herd" means a group or groups of sexually intact cattle bovines 12 months of age or older under common ownership or supervision that have commingled during the previous 12 months.

(14) "Individual T~~t~~richomoniasis identification" means a Montana O~~o~~fficial T~~t~~richomoniasis T~~t~~ag that must be placed in the ear at the time of the first test. Other acceptable means of identification are one of the following:

(a) an official United States Department of Agriculture (USDA) ear tag and a readable ranch tag; or

(b) a unique breed registry tattoo and a readable ranch tag; or

(c) any other means of official identification approved by the state veterinarian may be approved by the state veterinarian.

(15) "Licensed T~~t~~richomoniasis approved feedlot" means any facility which is licensed, annually, by the state veterinarian's office where:

(a) all T. foetus positive animals must be are individually identified and branded with a "V" on the right tailhead;

(b) there will be is no commingling of intact male and female cattle;

(c) no animals entering the feedlot will be are allowed back into the Montana breeding herd;

(d) all T. foetus positive animals must be are kept for a minimum of 30 days before being sold directly to slaughter or through a licensed livestock market and then to slaughter;

(e) all T. foetus positive animals will be branded with a "V" on the right tailhead;

(f) and (g) remain the same but are renumbered (e) and (f).

(16) "Negative T. foetus bull" is a bull that T. foetus has not been detected in preputial scraping by an official trichomoniasis test, which has not commingled with female cattle since that test, and which qualifies by one of the following:

(a) originate from a herd not known to be infected and has had a negative official T. foetus bull test within the last 90 60 days; or

(b) originate from a positive herd, but has a series of three negative official T. foetus bull tests at intervals of at least seven days and has tested negative to three consecutive PCR tests at least one week apart; or

(c) has a negative official T. foetus import bull test; or

(d) remains the same.

(17) "Official Trichomoniasis test" means the sampling procedure conducted by a deputy state Trichomoniasis certified veterinarian of the preputial content of a sexually intact male bovine and submitted to an approved laboratory to identify Trichomonas T. foetus by three weekly cultures, an individual PCR test, or other test approved by the state veterinarian. Bulls must be sexually rested for at least two weeks prior to the first test. For the culture tests:

(a) the tests must be conducted at intervals of no less than seven days between each test;

(b) there must be no breeding activity during the intervals between the three tests or between the final of the three negative tests and the time of import, sale, loan, or lease.

(18) "Official Trichomoniasis retest" means an official Trichomoniasis test conducted at least seven days, but not more than twenty-one days apart, after any previous official Trichomoniasis test.

(19) "Premises" means the ground, area, building and/or equipment occupied by one or more bovine.

(20) remains the same.

(21) "Quarantine release" means that all quarantined animals have completed all regulatory requirements to eliminate T. foetus infection in that herd and is no longer classified a positive herd.

(22) remains the same.

(23) "Seasonal grazing permit" means a permit issued by the Montana State Veterinarian's office to Montana livestock producers who utilize pasture lands and other livestock operations in one or multiple states that are contiguous with Montana as outlined in ARM 32.3.212(2)(g).

(24) remains the same.

(25) "Test positive animal" means an animal in which an approved Trichomoniasis laboratory has identified Trichomonas T. foetus by an official Trichomoniasis test.

(26) "Test positive herd" means a herd of cattle in which an approved trichomoniasis laboratory has identified Trichomonas T. foetus in one or more animals by an official Trichomoniasis test, and has not completed a post breeding negative whole herd bull test.

(27) "Trichomoniasis" means a sexually transmitted disease of cattle caused by the protozoan organism Trichomonas (Trichomonas) foetus (T. foetus) that causes infertility, pyometra, abortions, and reproductive inefficiency in female cattle.

(28) "Trichomoniasis certified veterinarian" means a deputy state veterinarian who has attended a Montana Trichomoniasis training and has been certified by the Montana State Veterinarian and is able to provide an acceptable specimen to the approved laboratory.

(29) "Trichomoniasis epizootic area" is an area as defined in ARM 32.3.111 determined to have a higher risk of trichomoniasis and included the entirety of:

(a) Glacier County;

(b) Pondera County;

(c) Teton County;

(d) Cascade County;

(e) Carbon County;

(f) Yellowstone County;

(g) Big Horn County;

(h) Treasure County;

(i) Rosebud County;

(j) Powder River County.

(29) remains the same but is renumbered (30).

(30) (31) "V Brand" means a 2"X3" hot iron single "V" character brand, recorded by the Animal Health Division of the Department of Livestock, applied to the right tail-head of a bovine signifying that the bovine has tested positive for the venereal disease Trichomoniasis (applied within 14 days of diagnosis when the animal is presented to a licensed trichomoniasis approved feedlot).

(31) remains the same but is renumbered (32).

AUTH: 81-2-102, 81-2-103, MCA

IMP: 81-2-102, MCA

32.3.502 OFFICIAL TRICHOMONIASIS TESTING AND CERTIFICATION REQUIREMENTS (1) The following official Trichomoniasis testing and certification requirements apply to all nonvirgin, sexually intact male cattle Test eligible bovines imported into Montana and test eligible bovines or sold, loaned, leased, or otherwise acquired in or from trichomoniasis epizootic areas in Montana, except as provided in ARM 32.3.212: , must be negative T. foetus bulls.

(a) Nonvirgin male cattle must be negative to one Trichomoniasis test by PCR and originate from a herd not known to be infected with T. foetus, or to three official Trichomoniasis culture tests. Bulls must be sexually rested for at least two weeks prior to the first test. For the culture tests:

(i) The tests must be conducted at intervals of no less than seven days between each test;

(ii) There must be no breeding activity during the intervals between the three tests or between the final of the three negative tests and the time of import, sale, loan, or lease; and

(iii) All tested male cattle must be individually Trichomoniasis identified at the time of test.

(b) remains the same but is renumbered (a).

(c) (b) Tests expire within 90 60 days or immediately upon commingling with female cattle.

(d) Test eligible bulls sold, loaned, leased, or otherwise acquired without a negative test are considered in violation of ARM 32.3.502 and must be quarantined away from females and tested. The owner is liable for any fine, expenses, and/or misdemeanor ticket as stated in new penalty rule.

AUTH: 81-2-102, 81-2-103, 81-2-707, MCA
IMP: 81-2-102, 81-2-703, MCA

32.3.503 REPORTING TRICHOMONIASIS (1) Trichomoniasis is reportable to the state veterinarian's office per ARM 32.3.104. Reports shall include the names of the trichomoniasis certified veterinarian and owner, date tested, animal identification, type of test, and the name of the approved laboratory. All approved laboratories and Trichomoniasis certified Montana veterinarians conducting trichomoniasis testing of cattle in Montana shall report: test positive animals

(a) positive tests to the department within one working day of such test or diagnosis.

(2) (b) Test negative animals shall be reported on a weekly basis to the state veterinarian's office by all in-state labs or the certified veterinarian, which includes the names of the Trichomoniasis certified veterinarian and owner, date tested, animal identification, type of test, and the name of the approved laboratory negative tests to the department within one week of such test or diagnosis.

(3) (2) All Montana veterinarians conducting Trichomoniasis testing must be certified by the state veterinarian's office in accordance with ARM 32.3.502.

AUTH: 81-2-102, 81-2-103, MCA
IMP 81-2-102, 81-2-107, MCA

32.3.505 DISPOSITION OF TEST POSITIVE ANIMALS MOVEMENT OF ANIMALS FROM TEST POSITIVE HERDS AND EPIZOOTIC AREAS (1) Test positive animals shall be individually identified with an identification device approved by the state veterinarian.

(2) remains the same but is renumbered (1).

(a) consigned directly to a licensed slaughterhouse; or

(b) remains the same.

(c) "V" branded and consigned directly to a licensed Trichomoniasis approved feedlot and then directly to a licensed slaughterhouse.

(3) (2) The test positive herds shall be subject to an immediate quarantine and all animals shall remain on the current premises, the owner's premises, or another premises approved by the state veterinarian except:

(a) any individually identified animal consigned directly to a licensed livestock market, slaughterhouse, or Trichomoniasis licensed trichomoniasis approved feedlot;

(b) remains the same.

(c) bulls that have been individually tested negative to three consecutive official T. foetus PCR tests at least one week apart;

- (d) virgin heifers with no exposure to a bull;
- (e) remains the same.
- (i) exposed to only known negative T. fetus bulls;
- (ii) and (iii) remain the same.
- (4) remains the same but is renumbered (3).
- (a) all remaining bulls 12 months of age and older, shall individually test negative to three consecutive official T. fetus PCR tests at least one week apart; and
- (b) all requirements in (3)(e)(i) through (iii) have been met as applicable.
- (5) Breeding by artificial insemination is allowed while under quarantine.
- (6) (4) Release of Trichomoniasis test positive herds must have status will be when a negative whole herd bull test including virgin bulls 12 months of age and older, within 90 days prior to the following year's breeding season is completed prior to the next breeding season.

(5) All sexually intact female cattle over 12 months of age that are sold, loaned, leased, or otherwise acquired in or from epizootic areas; and all sexually intact female cattle over 12 months of age from trichomoniasis test positive herds must comply with ARM 32.3.212(6)(i) through (v).

AUTH: 81-2-102, 81-2-103, MCA
IMP: 81-2-102, 81-2-108, MCA

32.3.506 EPIDEMIOLOGICAL INVESTIGATION AND EXPOSED HERD NOTIFICATION (1) Upon receipt of a report of a test positive animal or a test positive herd, the department shall conduct an epidemiological investigation to identify animals or herds that were potentially exposed to a test positive animal or a test positive herd.

(2) Upon completion of the epidemiological investigation, the department or its agent and shall issue an exposed herd notification, notifying all owners or managers of likely exposed herds that the herd may have been exposed to a test positive animal or test positive herd. The department will provide owners of exposed herds with educational materials pertaining to Trichomoniasis, including detection, prevention, control, eradication, and management strategies.

(3) (2) Exposed herds may be subject to quarantine and official Trichomoniasis testing and certification requirements as set forth in ARM 32.3.502.

AUTH: 81-2-102, 81-2-103, MCA
IMP: 81-2-102, 81-2-108, MCA

32.3.507 PUBLIC COMMON GRAZING AND GRAZING ASSOCIATIONS

(1) All bulls herds from multiple sources commingling in common pasture (s) that include male and female cattle shall have all nonvirgin bulls tested with the official Trichomoniasis T. fetus test as in ARM 32.3.502(1)(a) conducted after the last breeding season and within ten months prior to next season's turn out. This test is valid

for the next year's breeding season unless bulls are commingled with female cattle. Virgin bulls added to a herd are exempt from testing requirements during their first breeding season.

(a) If any bull in the common grazing association is found to be positive, the entire bull population not including bull calves less than 12 months of age, regardless of owners, all test eligible bulls, will be required to have three consecutive negative weekly tests prior to turn out time subject to the requirements set forth in ARM 32.3.505.

(b) remains the same.

(c) The expense of testing shall be the responsibility of the bull's owner.

(2) Commingled grazing herds may be exempt from annual testing provided that a signed, written health plan including best management practices for all of the individual herds grazing in common exists. This health plan must be approved and signed by both a local deputy state veterinarian and the state veterinarian.

AUTH: 81-2-102, 81-2-103, MCA

IMP: 81-2-102, 81-2-108, MCA

32.3.508 PENALTIES (1) Persons in possession of a bull that has been sold, loaned, leased, or otherwise acquired shall have proof of current Trichomoniasis negative test or violation of ARM 32.3.502, 32.3.504, 32.3.505, or 32.3.507 will be subject to all of the following:

(a) quarantine and testing;

(a) remains the same but is renumbered (b).

(b) remains the same but is renumbered (c).

(2) and (3) remain the same.

AUTH: 81-2-102, 81-2-103, MCA

IMP: 81-2-102, 81-2-108, MCA

Reasons: Changes are needed to add missing definitions and focus existing definitions to aid in enforcement and epidemiological investigation. Stylistic changes will provide readability, brevity, and clarification of import requirements. ARM 32.3.505 and 32.3.212 were renamed to best reflect regulations, clarify management of positive herds, and address specific restrictions consistent with importation requirements. Under ARM 32.3.508 "quarantine and testing" provisions were added for consistency and clarification. Creation of a trichomoniasis epizootic area is based on a higher risk area.

4. Concerned persons may submit their data, views, or arguments in writing to Christian Mackay, 301 N. Roberts St., Room 308, P.O. Box 202001, Helena, MT 59620-2001, by faxing to (406) 444-1929, or by e-mailing to trich@mt.gov to be received no later than 5:00 p.m., October 12, 2011.

5. If persons who are directly affected by the proposed action wish to express their data, views, and arguments orally or in writing at a public hearing, they must make a written request for a hearing and submit this request along with any written

comments they have to the same address as above. The written request for hearing must be received no later than 5:00 p.m. October 12, 2011.

6. If the department receives requests for a public hearing on the proposed action from either 10 percent or 25, whichever is less, of the persons who are directly affected by the proposed action; from the appropriate administrative rule review committee of the Legislature; from a governmental subdivision or agency; or from an association having not less than 25 members who will be directly affected, a public hearing will be held at a later date. Notice of the public hearing will be published in the Montana Administrative Register. Ten percent of those persons directly affected have been determined to be more than 25, based upon the population of the state.

7. The department maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies for which program the person wishes to receive notices. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written request may be mailed or delivered to the contact person in 4 above or may be made by completing a request form at any rules hearing held by the department.

8. An electronic copy of this Proposal Notice is available through the Secretary of State's web site at <http://sos.mt.gov/ARM/Register>. The Secretary of State strives to make the electronic copy of the notice conform to the official version of the notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the notice and the electronic version of the notice, only the official printed text will be considered. In addition, although the Secretary of State works to keep its web site accessible at all times, concerned persons should be aware that the web site may be unavailable during some periods, due to system maintenance or technical problems.

9. The bill sponsor contact requirements of 2-4-302, MCA, do not apply.

DEPARTMENT OF LIVESTOCK

BY: /s/ Christian Mackay
Christian Mackay
Executive Officer
Board of Livestock
Department of Livestock

BY: /s/ George H. Harris
George H. Harris
Rule Reviewer

Certified to the Secretary of State August 1, 2011.